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C O N F I D E N T I A L KATHMANDU 000411

SIPDIS

GENEVA FOR RMA  
BEIJING PASS CHENGDU  
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E.O. 12958: DECL: 02/21/2012

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SUBJECT: TEN TIBETAN REFUGEES' ASYLUM REQUEST PASSED OVER

REF: 01 KATHMANDU 1768

Classified By: A/DCM Michael S. Hoza; Reasons 1.5 (B),(D).

1. (C) Nepal's Home Ministry declined to include the names of ten Tibetan refugees held on immigration violations in a letter to the King recommending candidates for a royal amnesty. Traditionally the King grants amnesty to prisoners on auspicious occasions, including the February 19 Democracy Day. As a constitutional monarch, the King acts on recommendations for amnesty presented by the Home Ministry. The King himself can neither add nor delete names, and merely rubber-stamps the list, sources close to the Palace told us.

2. (C) All ten refugees had initially crossed into Nepal from Tibet, had been interviewed by UNHCR in Kathmandu, and had been transported to India under the supervision of UNHCR and Nepalese immigration officials. Eight of the ten were arrested at a check point after re-entering Nepal from India for the purpose of returning to Tibet and were charged with the lack of legal travel documents (Reftel). With the assistance of the Dalai Lama's Representative to Nepal, lawyers for the ten Tibetans prepared petitions to the Home Ministry requesting amnesty. (Note: Some press accounts give the number of jailed Tibetans seeking amnesty as eleven. An eleventh individual, a woman, was originally part of a group of nine (eight of the ten) caught by Nepali authorities in late August. Suffering from psychological trauma, she was immediately hospitalized and as a result was never formally charged with a crime. She continues to receive medical attention in Nepal under the watchful eye of UNHCR. End Note.) However, the ten names were not included on the Home Ministry's list of candidates for the February amnesty.

3. (C) Poloff contacted Home Ministry officials repeatedly to ask that the Tibetans' request be considered, Acting DCM discussed the case with a Home Ministry Joint Secretary, and Ambassador Malinowski sent a letter to the Home Minister February 15 urging him to consider including the names on the list of candidates for amnesty as a way to reaffirm Nepal's commitment to human rights and the protection of refugees. The Embassy and UNHCR also informed the Home Ministry, repeatedly, that these were individuals of concern to UNHCR. Post will continue to raise the issue of the ten individuals' detention. The King will next grant an amnesty on the occasion of his birthday in July.  
MALINOWSKI